

Field personnel have varying responsibilities in the protection, preservation, and management of CDF's real property (land). Technical Services provides advice and assistance to the field personnel for these activities.

Duties most relevant to the proper management of CDF lands are as follows:

- Maintaining full land and land rights records for lands under CDF control and possession.
- Protecting and preserving real property and real property rights of CDF by identifying and solving of real property problems.
- Renewing leases and land rights prior to termination of existing leases.
- Knowing facilities boundaries and land rights associated with their use.
- Reviewing, recommending action, and negotiating terms on applications of others for easements and rights-of-way on CDF lands.
- Maintaining land title data necessary to protect CDF lands from encroachment or trespass, and providing necessary title research.
- Negotiating and preparing utility agreements for such services as water, sewer, power, telephone, and drainage for units of CDF.
- Negotiating and preparing agreements for the operation of entities other than CDF.
- Informing the Sacramento Accounting section of all land-lease agreements entered into by CDF to enable them to make proper charges or payments.

Technical Services is responsible for coordinating all activities, which relate to sale, leasing, or occupancy of state property by others.

This portion of the Lands Handbook sets forth specific procedures for the conveyance of excess lands, easements, encroachments permits, entry permits, and use permits. Also included are the rental or leasing of interests in real property. It is mandatory that any planned disposal, land rights conveyance, or land lease be sent to Technical Services for processing.

**Lands Inventory**

Technical Services, in addition to its record keeping responsibilities, maintains current inventories on all land records involving possession or rights, land or rights acquired or conveyed by state, and all associated boundary information.

**Approving Authority** Any contract permitting others the use of state land must be approved by RESD (DGS), or meet the requirements of the delegated authority as outlined in Section 14616 of the Government Code for transportation of forest products.

## **Property Encroachments**

***Other Than Trespass*** Technical Services is also concerned with the less-common state property encroachments concerning boundary disputes, mining claims, water rights, road access rights, and squatters. Whenever possible, field personnel should resolve these encroachments at the unit level, requesting whatever assistance they may need from the region or Technical Services. In the event that the matter cannot be resolved by the field staff, they should submit a recommended course of action to the region. The regional chief shall determine the appropriate course of action and pursue it to conclusion, calling upon CDF's legal staff and the State Attorney General for assistance as required.

## **Protection and *Investigation***

As a matter of policy, CDF recognizes that property rights are resources to be managed and protected. To secure the state's position in disputes over property rights, any encroachments upon these rights, proven or potential, must be immediately challenged, investigated, and resolved. Field personnel must be prompt in taking initial remedial action (issue warning notices, obtaining advice, and review records) carefully avoiding any action which might be interpreted as acknowledging the validity of a claim against the state.

If property lines are not known, the region should request that a property line determination be made by Technical Services.

## **Trespass**

Trespass is the most common encroachment upon state property rights. Field personnel are responsible for immediately reporting observations of trespass to their region. Potential trespassers are to be warned

not to attempt trespass. CDF personnel should obtain as much detailed information as possible concerning the facts of the situation such as names of witnesses, license numbers, and so on. If possible, photographs are to be taken.

Sacramento Headquarters should be requested to have the boundary lines surveyed to assure accuracy of any boundary dispute made by or against the state. Even through Prescriptive Rights cannot be claimed on state lands, all property ownership disputes should be resolved as soon as discovered.

### **Facility Listing**

An up-to-date listing of all CDF facilities and land records are maintained at Sacramento Headquarters by Technical Services. Information concerning changes in land ownership or facility designation should be immediately forwarded to Technical Services.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.**

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